

Sponsored by: Bartus

**CITY OF MARATHON, FLORIDA
RESOLUTION 2004-015**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MARATHON, FLORIDA, REQUESTING THAT THE FLORIDA
DEPARTMENT OF AGRICULTURE POSTPONE CUTTING CITRUS
TREES WITHIN THE CITY OF MARATHON UNTIL THE FLORIDA
SUPREME COURT RULES ON THE CONSTITUTIONALITY OF THE
CITRUS CUTTING STATUTE**

WHEREAS, the Middle Florida Keys are isolated by the 3.5 mile Long Key Bridge to the east, the Seven Mile Bridge to the west, Florida bay to the north, and the Atlantic Ocean to the south; and

WHEREAS, the City of Marathon's corporate limits are totally contained within the Middle Keys; and

WHEREAS, according to the Department of Agriculture and the Florida Statutes, all trees within 1900 feet of a tree infected with citrus canker must be cut down to prevent the spread of the disease; and

WHEREAS, according to the Department of Agriculture's and the Florida Statutes' 1900-foot rule, not one citrus tree in Marathon is a threat to the Florida citrus industry; and

WHEREAS, many residents of the city of Marathon derive much pleasure and enjoyment of their citrus trees, including our own Key lime trees; and

WHEREAS, the Florida Supreme Court is considering the constitutionality of the cutting of healthy citrus trees in Case No. 03-446; and

WHEREAS, the state of Florida is running out of funds to compensate owners of trees that have been cut down by the state of Florida; and

WHEREAS, the Florida Supreme Court is considering the compensation issue in Case No. 02-1291; and

WHEREAS, the State of Florida Department of Agriculture has limited resources that would be better spent in order to achieve actual protection for Florida's citrus industry;

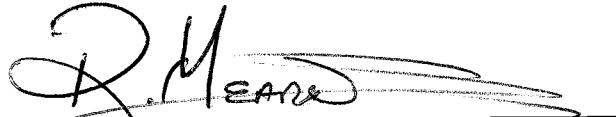
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. The Marathon City Council requests that the Florida Department of Agriculture postpone the cutting of healthy citrus trees within the corporate limits of the city of Marathon until the Florida Supreme Court rules on the constitutionality of the citrus tree cutting statute in Case No. 03-446.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 9th day of February, 2004


THE CITY OF MARATHON, FLORIDA



Randy Mearns, Mayor

AYES: Bartus, Pinkus, Repetto, Worthington, Mearns
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Cindy L. Ecklund
City Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



CITY ATTORNEY